

Message Text

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INFO OCT-01 ISO-00 H-01 DHA-02 SS-15 NSC-05 SSO-00 NSCE-00
PRS-01 /035 R

DRAFTED BY ARA/CEN:EHICKS
APPROVED BY ARA:CWBRAV
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FM SECSTATE WASHDC
TO AMEMBASSY SAN SALVADOR NIACT IMMEDIATE

C O N F I D E N T I A L STATE 051614

E.O. 11652: GDS

TAGS: SHUM, ES

SUBJECT:STATEMENT FOR CONGRESSIONAL HEARING

1. THE FOLLOWING IS A STATEMENT WHICH DEPUTY ASSISTANT
SECRETARY CHARLES W. BRAY WILL PRESENT AT THE MARCH 9
CONGRESSIONAL HEARING ON HUMAN RIGHTS IN EL SALVADOR.

YOUR SUBCOMMITTEES ARE EXPLORING THE SHAPE OF U.S. POLICY
TOWARDS EL SALVADOR FOLLOWING THE PRESIDENTIAL ELECTIONS
OF FEBRUARY 20. YOUR INVITATION TO TESTIFY RAISED THE
LINKAGE BETWEEN THE ELECTION ITSELF AND THE STATE -- ACTUAL
AND POTENTIAL -- OF HUMAN RIGHTS IN THAT COUNTRY.

MY STATEMENT WILL BE BRIEF. I WOULD LIKE TO SKETCH OUT
(A) THE NATURE OF OUR INTERESTS IN EL SALVADOR (B) THE
SHAPE AND SIZE OF OUR ECONOMIC ASSISTANCE AND MILITARY
RELATIONSHIPS; (C) THE STATUS OF HUMAN RIGHTS IN EL
SALVADOR AS THE ADMINISTRATION NOW PERCEIVES IT; AND
(D) THE LINKAGE BETWEEN HUMAN RIGHTS AND THE CONDUCT OF
ELECTIONS. IT WILL CLOSE WITH A STATEMENT OF INTENTIONS
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WITH RESPECT TO OUR ASSISTANCE POLICIES.

BACKGROUND

FIRST, I MIGHT NOTE THAT EL SALVADOR IS A SMALL, DRAMA-
TICALLY OVERPOPULATED DEVELOPING COUNTRY OF SOME 4 MILLION
PEOPLE. IT IS ROUGHLY THE SIZE OF MASSACHUSETTS; ONLY
HAITI HAS A HIGHER POPULATION DENSITY PER SQUARE MILE IN
THIS HEMISPHERE. PERCAPITA INCOME NATIONALLY IS JUST

ABOVE \$400 ANNUALLY; AMONG THE RURAL POPULATION IT BARELY EXCEEDS \$100 ANNUALLY. THE NUTRITION LEVEL, THE QUALITY OF LIFE IN GENERAL ARE BARELY TOLERABLE FOR A VERY LARGE PERCENTAGE OF ITS POPULATION. THE COUNTRY HAS FEW RESOURCES BEYOND ITS PEOPLE, ITS RESTRICTED LAND AREA, COFFEE, COTTON, SUGAR AND A SMALL INDUSTRIAL ESTABLISHMENT WHOSE GROWTH HAS BEEN CURTAILED BY THE EIGHT-YEAR OLD DISPUTE WITH HONDURAS AND THE CONSEQUENT IMPEDIMENTS TO INTRA-REGIONAL TRADE.

THE UNITED STATES HAS NO STRATEGIC INTERESTS IN EL SALVADOR; WE DO HAVE AN INTEREST IN THE GENERAL TRANQUILITY AND PROGRESS OF THE REGION.

WE HAVE MAINTAINED A VERY MODEST ECONOMIC ASSISTANCE PROGRAM DESIGNED PRIMARILY TO IMPROVE THE QUALITY OF RURAL LIFE, TO SUPPORT EL SALVADOR'S OWN FAMILY PLANNING PROGRAM, TO IMPROVE THE EDUCATIONAL SYSTEM, AND TO ASSIST IN THE AREAS OF NUTRITION AND HEALTH. THE FY 1977 AID PROGRAM PROJECTS \$3 MILLION IN LOANS AND \$2.3 MILLION IN GRANTS. THE AID MISSION INCLUDES 29 AMERICANS. THE PEACE CORPS MAINTAIN 121 VOLUNTEERS, PRIMARILY IN THE FIELDS OF EDUCATION, AGRICULTURE AND HEALTH.

THE FY 1977 SECURITY ASSISTANCE PROGRAM INCLUDES \$2.5 MILLION IN FMS CREDITS; \$600,000 IN GRANT TRAINING; AND \$20,000 IN SUPPLY OPERATIONS. THE FY 1978 SECURITY
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ASSISTANCE PROGRAM BEING PROPOSED TO THE CONGRESS IS VIRTUALLY IDENTICAL. I HAVE WITH ME A DETAILED PRINT-OUT OF EQUIPMENT AND TRAINING DELIVERED UNDER THIS PROGRAM IN RECENT YEARS IF YOU SHOULD WISH TO RAISE QUESTIONS IN THIS AREA. I SHOULD NOTE THAT OUR MILITARY GROUP IN EL SALVADOR IS COMPOSED OF 10 AMERICANS.

HUMAN RIGHTS

THE CONSTITUTION OF EL SALVADOR GUARANTEES A BROAD RANGE OF INDIVIDUAL RIGHTS IN ARTICLES 150-178 OF TITLE X. THESE INCLUDE MOST OF THE RIGHTS ARTICULATED IN THE UNIVERSAL AND INTER-AMERICAN DECLARATIONS.

THE CONGRESS WILL SHORTLY RECEIVE AN ASSESSMENT OF HUMAN RIGHTS IN EL SALVADOR; IT WAS PREPARED IN DECEMBER AS PART OF THE 1978 SECURITY ASSISTANCE REQUEST. I MIGHT SUMMARIZE OUR ASSESSMENT, WITH PARTICULAR REFERENCE TO THOSE RIGHTS SPECIFICALLY MENTIONED IN SECTION 502 OF THE FOREIGN ASSISTANCE ACT AS AMENDED.

-- THE CONSTITUTION OF EL SALVADOR PROVIDES FOR OBSERVANCE OF THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON. AS A BROAD PROPOSITION, THESE RIGHTS ARE OBSERVED. IT IS THE CASE IN EL SALVADOR, AS ELSEWHERE, THAT THE POOR AND RURAL POPULACE HAVE DIFFICULTY IN SECURITY EFFECTIVE ACCESS TO THE COURTS OR REDRESS OF GRIEVANCE. FREEDOM HOUSE CHANGED EL SALVADOR FROM "FREE" TO "PARTLY FREE" IN ITS MOST RECENT REPORT.

-- WE KNOW, OR HAVE HEARD OF, SPORADIC INSTANCES OF TORTURE, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT. PRISON CONDITIONS DO NOT MEET U.S. STANDARDS AND THERE HAVE BEEN INSTANCES OR ALLEGATIONS OF VIOLATION OF ARTICLE 5 OF THE UNIVERSAL DECLARATION, MANY OF WHICH
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WERE RAISED IN HEARINGS BEFORE ONE OF THESE COMMITTEES LAST JUNE. AMNESTY INTERNATIONAL'S REPORT FOR 1975-76 STATES THAT "ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS WERE INFREQUENT, BUT SEVERE." THE ANNUAL REPORTS OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS FOR 1975 AND 1976 CONTAIN NO ENTRY FOR EL SALVADOR.

-- ARBITRARY ARRESTS AND DETENTIONS DO OCCUR; ALLEGED SUBVERSIVES ARE MOST FREQUENTLY THE TARGET. WHILE WE DO NOT HAVE PRECISE FIGURES, THERE APPEAR TO HAVE BEEN 12 ALLEGED SUBVERSIVES DETAINED IMMEDIATELY PRIOR TO THE FEBRUARY 20 ELECTIONS. AMONG THOSE ACCUSED OF "SUBVERSION" HAVE BEEN FIVE FOREIGN PRIESTS, INCLUDING THREE AMERICANS. ONE OF THE AMERICAN PRIESTS HAS BEEN EXPELLED AND ONE HAS BEEN DENIED REENTRY.

TWO FORMER PRESIDENTIAL CANDIDATES, ONE IN THE ELECTION OF 1972 AND ONE IN 1977, ARE NOW IN A STATE OF WHAT COULD BE REGARDED AS FORCED EXILE DESPITE A CONSTITUTIONAL PROHIBITION AGAINST INVOLUNTARY EXILE.

-- SO FAR AS WE KNOW, PERSONS PLACED UNDER ARREST GENERALLY ARE CHARGED OR RELEASED WITHIN 24 HOURS, ARE INFORMED OF CHARGES AND HAVE ACCESS TO COUNSEL AND FAMILIES DURING DETENTION. THE POOR, RURAL INHABITANTS (WHO CONSTITUTE MOST OF THE POPULATION) AND THE CATEGORY OF "SUBVERSIVES" MAY NOT BENEFIT EQUALLY UNDER THE LAW, HOWEVER.

-- FINALLY, I SHOULD NOTE THAT ON FEBRUARY 28 THE LEGISLATIVE ASSEMBLY VOTED A STATE OF SIEGE. IT DID SO AFTER THE LOSING CANDIDATE AND HIS SUPPORTERS OCCUPIED A PLAZA IN THE CENTER OF SAN SALVADOR AND ANNOUNCED THAT THEY WOULD NOT LEAVE UNTIL THE ELECTION WAS ANNULLED. THE DEMONSTRATORS WERE EVICTED, WITH FORCE, AFTER A WEEK. THE STATE OF SIEGE WAS VOTED FOR A PERIOD OF 30 DAYS;

AS A RESULT, ARTICLES 154 (THE RIGHT FREELY TO ENTER OR
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LEAVE THE COUNTRY), 158 (FREEDOM OF EXPRESSION AND OF
PRESS), 159 (PRIVACY OF CORRESPONDENCE) AND 160 (THE
RIGHTS OF ASSEMBLY) HAVE BEEN SUSPENDED. THE ADMINISTRA-
TION AND OUR EMBASSY WILL WATCH THE EVOLUTION OF THIS
SITUATION CLOSELY.

THE RECENT ELECTIONS

THE CONSTITUTION OF EL SALVADOR PROVIDES FOR A "REPUBLI-
CAN, DEMOCRATIC AND REPRESENTATIVE" GOVERNMENT IN WHICH
"ALL PUBLIC POWER EMANATES FROM THE PEOPLE." IT RECOG-
NIZES THE "RIGHT AND DUTY" OF SUFFRAGE AND OF ASSOCIATION
IN POLITICAL PARTIES. IT PROVIDES FOR "DIRECT, EQUAL,
AND SECRET" BALLOT. CONTESTING PARTIES HAVE THE CON-
STITUTIONAL RIGHT TO MONITOR THE ELECTION PROCESS.
ENABLING LEGISLATION SPELLS OUT THESE GUARANTEES.

THERE HAVE BEEN NUMEROUS ALLEGATIONS OF FRAUD IN CON-
NECTION WITH THE ELECTION OF FEBRUARY 20. PRIOR TO THE
ELECTION, REPRESENTATIVES OF THE DEPARTMENT EXPRESSED TO
THE SALVADORAN EMBASSY -- ON SEVERAL OCCASIONS BEGINNING
IN DECEMBER -- THE GROWING CONCERN IN THE UNITED STATES
THAT THE ELECTIONS MIGHT NOT BE FAIRLY CONDUCTED. OUR
EMBASSY IN SAN SALVADOR EXPRESSED SIMILAR CONCERNS IN RE-
CENT MONTHS IN ITS CONTACTS WITH GOVERNMENT, OPPOSITION,
CHURCH AND BUSINESS LEADERS AND GROUPS. THE UNITED STATES
GOVERNMENT HAD NO PREFERRED CANDIDATE; OUR AMBASSADOR
CLEARLY INSTRUCTED HIS STAFF TO THIS EFFECT ON SEVERAL
OCCASIONS, MOST NOTABLY ON JANUARY 31. THE DEPARTMENT
KNOWS OF NO ACTIONS BY UNITED STATES PERSONNEL WHICH
VIOLATED THIS INSTRUCTION.

THE DEPARTMENT OF STATE HAS CONVEYED TO YOUR COMMITTEES
SUCH INFORMATION AS IT HAS WITH RESPECT TO THE CONDUCT
OF THE ELECTIONS ON FEBRUARY 20. WE HAVE DONE SO IN TWO
LETTERS, ONE CLASSIFIED AND ONE UNCLASSIFIED. WE CHOSE
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THE CONFIDENTIAL FORM OF COMMUNICATION WITH RESPECT TO
CHARGES OF ELECTORAL FRAUD BECAUSE AS A FACTUAL MATTER
WE CANNOT ACCURATELY ASSESS MANY OF THE ALLEGATIONS. IN
ADDITION, AND EVEN IF ONE WERE TO ACCEPT ALL OF THE
CHARGES, THERE WOULD BE NO WAY OF ASSESSING THE DEGREE TO

WHICH ANY FRAUD MIGHT HAVE DETERMINED THE OUTCOME OF

THIS ELECTION WITHOUT GREATER ACCESS THAN ANY EMBASSY IN ANY COUNTRY -- INCLUDING OUR OWN -- SHOULD EXPECT TO ENJOY IN A FOREIGN SOCIETY.

WE WOULD BE DEEPLY CONCERNED IF -- IN ANY COUNTRY -- AN ELECTION WERE TO BE CONDUCTED IN SUCH A MANNER AS TO LEAD TO FURTHER DENIALS OF THE PHYSICAL INTEGRITY OF INDIVIDUALS.

IT IS FOR THIS REASON THAT WE ARE DISQUIETED BY THE SUSPENSION OF CERTAIN RIGHTS FOLLOWING THE ELECTION IN EL SALVADOR. WE SHALL OBSERVE AS CLOSELY AS WE CAN THE DURATION AND IMPLEMENTATION OF THE STATE OF SIEGE VOTED BY THE LEGISLATIVE ASSEMBLY ON FEBRUARY 28. OBVIOUSLY, THERE IS A CONNECTION BETWEEN BROAD POLITICAL RIGHTS -- OF THE PRESS, THE VOTE, OF FREE ASSEMBLY -- AND THE PHYSICAL INTEGRITY OF THE INDIVIDUAL. THOSE BROAD POLITICAL RIGHTS ARE OUR ULTIMATE PROTECTION AGAINST ARBITRARY ARREST, TORTURE AND "DISAPPEARANCE".

YOUR COMMITTEES HAVE ASKED FOR A STATEMENT OF OUR ASSISTANCE POLICIES IN THE CURRENT CIRCUMSTANCES.

THE ADMINISTRATION'S FY 1978 SECURITY ASSISTANCE REQUEST WILL SHORTLY BE BEFORE THE CONGRESS. THE REQUEST FOR EL SALVADOR CLOSELY APPROXIMATES THE LEVELS AUTHORIZED FOR THE CURRENT YEAR. THE WITNESS FROM THE DEPARTMENT OF DEFENSE IS HERE TO BRIEF YOU ON THE DETAILED CONTENT OF THE FMS SALES AND TRAINING PROGRAMS IN RECENT YEARS.
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THE SALVADORAN GOVERNMENT HAS INDICATED THAT IT WOULD LIKE TO PURCHASE THE FOLLOWING ITEMS UNDER THE FY 1977 PROGRAM: TWO WRECKERS, FOUR WATER-PURIFICATION UNITS, 20 CARGO TRUCKS, 20 AMBULANCES, THREE SETS OF RADIO AND NAVIGATION EQUIPMENT FOR PATROL BOATS, 440 RADIOS PLUS INSTALLATION KITS, EIGHT MOBILE MEDICAL SETS, 12 JEEPS WITH RECOILLESS RIFLES, 11 AIRCRAFT ENGINES, 1,000 COMPASSES, 20 TARPAULINS, 30 FIELD STOVES, 8,000 PUP TENTS, TWO DUMP TRUCKS AND 6,000 KNAPSACKS.

WE ANTICIPATE NO SIGNIFICANT CHANGE IN THE COMPOSITION OF THE PROGRAM FOR FY 1978, SHOULD THE CONGRESS AUTHORIZE IT FOR THE COMING YEAR. CLEARLY, HOWEVER, WE WOULD NOT GO FORWARD WITH A PROGRAM NEXT YEAR SHOULD THE HUMAN RIGHTS SITUATION DETERIORATE IN THE INTERIM.

THE LEGAL REQUIREMENTS WITH REGARD TO ECONOMIC ASSISTANCE ARE CLEAR. THE FOREIGN ASSISTANCE ACT PROVIDES THAT NO ASSISTANCE BE GIVEN TO A COUNTRY ENGAGED IN A CONSISTENT

PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, UNLESS SUCH AID WILL DIRECTLY BENEFIT THE NEEDY IN THAT COUNTRY. AT PRESENT OUR ECONOMIC ASSISTANCE PROGRAM FOR EL SALVADOR IS DESIGNED TO REACH PRECISELY THOSE WHOSE BASIC ECONOMIC NEEDS -- FOOD, HEALTH, EMPLOYMENT -- ARE LEAST SECURE, I.E., THE "NEEDY", AND NO DIMINUTION IN AID SHOULD BE REQUIRED BY THE HARKIN AMENDMENT TO THE FOREIGN ASSISTANCE ACT.

THAT CONCLUDES MY STATEMENT. MY COLLEAGUES AND I WOULD BE PLEASED TO ANSWER YOUR QUESTIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, US CONGRESSIONAL PRESENTATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 08-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE051614
Document Source: ADS
Document Unique ID: 00
Drafter: ARA/CEN:EHICKS
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: D770080-0276
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197703111/baaaevjy.tel
Line Count: 286
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: cba201b0-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2964549
Secure: OPEN
Status: NATIVE
Subject: STATEMENT FOR CONGRESSIONAL HEARING
TAGS: SHUM, ES, (BRAY, CHARLES W)
To: SAN SALVADOR NIACT
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/cba201b0-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009